

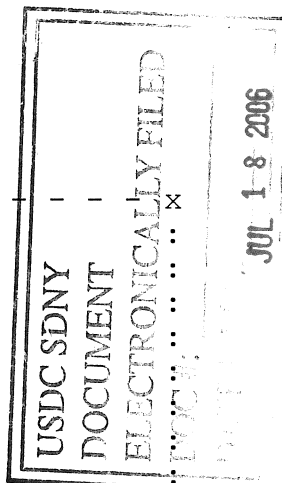
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

CHRISTOPHER WADE,

Defendant.



INFORMATION

06 Cr. ____ (JFK)

06 CRIM. 0594

COUNT ONE

(Conspiracy to Commit Spamming)

The United States Attorney charges:

1. From in or about 2005, up to and including in or about February 2006, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate and agree together and with each other to violate the laws of the United States, to wit, Title 18, United States Code, Sections 1037(a)(1), (a)(2), (a)(3) and (b)(2)(C).

2. It was a part and an object of the conspiracy that CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, would and did access a protected computer without authorization, and intentionally would and did initiate the transmission of multiple commercial electronic mail messages from or through such computer, in which the volume of electronic mail messages transmitted in furtherance of the

JUDGE KEENAN

offense exceeded 2,500 during a 24-hour period, 25,000 during a 30-day period, and 250,000 during a 1-year period, in violation of Title 18, United States Code, Sections 1037(a)(1) and (b)(2)(C).

3. It was a further part and an object of the conspiracy that CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, would and did use a protected computer to relay and re-transmit multiple commercial electronic mail messages with the intent to deceive and mislead recipients, and Internet access services, as to the origin of such messages, in which the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during a 24-hour period, 25,000 during a 30-day period, and 250,000 during a 1-year period, in violation of Title 18, United States Code, Sections 1037(a)(2) and (b)(2)(C).

4. It was a further part and an object of the conspiracy that CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, would and did materially falsify header information in multiple commercial electronic mail messages and intentionally would and did initiate the transmission of such messages, in which the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during a 24-hour period, 25,000 during a

30-day period, and 250,000 during a 1-year period, in violation of Title 18, United States Code, Sections 1037(a)(3) and (b)(2)(C).

Overt Act

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Eastern District of Texas and elsewhere:

a. In or about August 2005, WADE sold open proxies to two co-conspirators not charged herein ("CC-1" and "CC-2") for approximately \$2,500.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Spamming)

The United States Attorney further charges:

6. From in or about 2005, up to and including in or about February 2006, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, would and did access a protected computer without authorization, and intentionally would and did initiate the transmission of multiple commercial electronic mail messages from or through such computer, in which the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during a 24-hour period, 25,000 during a 30-day period, and 250,000 during a 1-year period, to wit, WADE provided to other

individuals computers which had been accessed without authorization, or computer code to access other people's computers without authorization, in connection with the transmission of spam e-mails via those computers over the Internet.

(Title 18, United States Code,
Sections 1037(a)(1) and (b)(2)(C), and 2.)

COUNT THREE

(Spamming)

The United States Attorney further charges:

7. From in or about 2005, up to and including in or about February 2006, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, used a protected computer to relay and re-transmit multiple commercial electronic mail messages with the intent to deceive and mislead recipients, and Internet access services, as to the origin of such messages, in which the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during a 24-hour period, 25,000 during a 30-day period, and 250,000 during a 1-year period, to wit, WADE provided to other individuals open proxies, or computer code to create open proxies, in connection with disguising the true origin of spam e-mails sent to various e-mail subscribers over the Internet.

(Title 18, United States Code,
Sections 1037(a)(2) and (b)(2)(C), and 2.)

COUNT FOUR

(Spamming)

The United States Attorney further charges:

8. From in or about 2005, up to and including in or about February 2006, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, unlawfully, willfully and knowingly, in an offense involving and affecting interstate commerce, materially falsified header information in multiple commercial electronic mail messages and intentionally initiated the transmission of such messages, in which the volume of electronic mail messages transmitted in furtherance of the offense exceeded 2,500 during a 24-hour period, 25,000 during a 30-day period, and 250,000 during a 1-year period, to wit, WADE provided to other individuals open proxies, or computer code to create open proxies, in connection with transmitting spam e-mails with altered header information over the Internet to e-mail subscribers.

(Title 18, United States Code,
Sections 1037(a)(3) and (b)(2)(C), and 2.)

COUNT FIVE

(Conspiracy to Commit Access Device Fraud)

The United States Attorney further charges:

9. In or about October 2005, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully, and knowingly

did combine, conspire, confederate and agree together and with each other to violate the laws of the United States, to wit, Title 18, United States Code, Sections 1029(a)(3), (b)(1), and (c)(1)(A)(i).

10. It was a part and an object of the conspiracy that CHRISTOPHER WADE, the defendant, and others known and unknown, unlawfully, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, would possess fifteen and more devices which are counterfeit and unauthorized access devices, in violation of Title 18, United States Code, Sections 1029(a)(3), (b)(1), and (c)(1)(A)(i).

Overt Act

11. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Eastern District of Texas and elsewhere:

a. In or about October 2005, at the request of CC-1, WADE used a computer program with the purpose of obtaining other people's credit card numbers from computers connected to the Internet.

(Title 18, United States Code, Section 371.)

COUNT SIX

(Attempted Access Device Fraud)

The United States Attorney further charges:

12. In or about October 2005, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant,

unlawfully, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, attempted to possess fifteen and more devices which are counterfeit and unauthorized access devices, to wit, WADE used a computer program to steal at least 15 partial credit card numbers belonging to other people from computers connected to the Internet.

(Title 18, United States Code,
Sections 1029(a)(3), (b)(1), (c)(1)(A)(i), and 2.)

COUNT SEVEN

(Unauthorized Computer Access)

The United States Attorney further charges:

13. From in or about 2004, up to and including in or about February 2006, in the Eastern District of Texas and elsewhere, CHRISTOPHER WADE, the defendant, unlawfully, willfully and knowingly, in an offense involving an interstate and foreign communication, accessed a computer without authorization and exceeded authorized access, and thereby obtained information from a protected computer, to wit, WADE transmitted commands over the Internet to gain access without authorization to computers and obtained information from them, including, for example, what programs and files were stored on them, as well as information about how the computers operated.

(Title 18, United States Code,
Sections 1030(a)(2)(C), (c)(2)(A), and 2.)

FORFEITURE ALLEGATION

14. As the result of committing one or more of the offenses alleged in Counts One through Seven herein, CHRISTOPHER WADE, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense(s), including but not limited to approximately \$75,500 in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Seven of this Information.

Substitute Assets

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of said defendant up to the value of the forfeitable property.

(Title 18, United States Code, Section 981;
and Title 28, United States Code, Section 2461.)



MICHAEL J. GARCIA
United States Attorney

7-18-06 (WR) Filed Information and Waiver of Indictment. Deft. present with atty. David Pire. AVSA Thomas Brown present. Deft. pleads guilty to all counts in Information (counts one through seven). Court accepts plea. PSI ordered. Sentencing date: Jan. 3, 2007 at 9:30. Bail Cont'd. Case to be filed under seal per Judge Keenan's order.

Keenan, J.